



Express Mail No.: EL 451 598 495 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rose *et al.*

Confirmation No.: 3581

Serial No.: 10/032,157

Group Art Unit: 2812

Filed: December 21, 2001

Examiner: Not yet assigned

For: PHASE SHIFT DEVICE IN
SUPERCONDUCTOR LOGIC

Attorney Docket No.: 11090-045-999

PETITION UNDER 37 CFR § 1.47 (a)

RECEIVED

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

OCT 30 2002

OFFICE OF PETITIONS

Sir:

The undersigned attorney, Gary S. Williams, respectfully requests the granting of this petition under 37 CFR § 1.47(a). The undersigned attorney makes this petition as the authorized representative of D-Wave Systems, Inc., assignee ("Assignee") of the subject application

As indicated in the undersigned's attached Declaration, the specification was originally filed with an unsigned declaration listing Geordie Rose, Mohammad H. S. Amin, Timothy Lee Duty, Alexandre Zagoskin, Alexander N. Omelyanchouk and Jeremy P. Hilton as inventors. Timothy Lee Duty refuses to sign the declaration and assignment documents due to his involuntary termination from Assignee's employ. Mr. Duty was employed by Assignee at the time that the invention was conceived and developed and the provisional application was filed but was not employed by the Assignee at the time that the provisional was converted to the instant matter.

Before filing the application, each inventor was provided with a copy of the application and had an opportunity to review the application. After filing the application, all of the inventors were again presented with a copy of the filed application, together with a declaration and assignment. Geordie Rose, Mohammad H. S. Amin, Alexandre Zagoskin, Alexander N. Omelyanchouk and Jeremy P. Hilton have subsequently executed the attached documents. Mr. Duty, however, refuses to sign the documents.

The undersigned is empowered to file this petition and accompanying declaration on behalf of D-Wave Systems, Inc., pursuant to the Power of Attorney by Assignee filed herewith. Also filed herewith are copies of the executed Declaration for Non-Provisional Patent Application and Assignments signed by inventors Geordie Rose, Mohammad H. S. Amin, Alexandre Zagoskin, Alexander N. Omelyanchouk and Jeremy P. Hilton. An executed Declaration and Power of Attorney for Application and Assignment by Geordie Rose, Mohammad H. S. Amin, Alexandre Zagoskin, Alexander N. Omelyanchouk and Jeremy P. Hilton, on their own behalf and the behalf of the non-signing inventor, Timothy Lee Duty, is also filed herewith in accordance with 37 C.F.R. § 1.47(a) and MPEP 409.03(a).

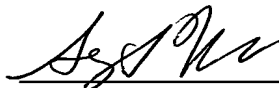
Timothy Lee Duty's last known address is:

802-1340 West 12th Avenue
Vancouver, British Columbia
V6H 1M5, Canada.

The fee of \$130.00 pursuant to 37 C.F.R. § 1.17(i) should be charged to our deposit account no. 16-1150 (Order No. 11090-045-999), as authorized in the Transmittal accompanying this document. A copy of this page is enclosed for such purpose.

Respectfully submitted,

Date September 26, 2002



Gary S. Williams

31,066

(Reg. No.)

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